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Report of the United Nations High Commissioner for Human Rights

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Chapter I
Introduction

1. This is the first full report that I submit to the General Assembly as United Nations High Commissioner for Human Rights pursuant to Assembly resolution 48/141. It is intended to be read in the light of the comprehensive report (E/CN.4/1998/122) submitted to the Commission on Human Rights at its fifty-third session and my report to the Economic and Social Council (E/1998/84).

2. The General Assembly also has before it information on the human rights programme and its activities in the report on the comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (A/53/372), the report on the International Decade of the World's Indigenous People (A/53/310) and the report on the United Nations Decade for Human Rights Education (A/53/313). These and other reports provide a good overview of the programme and the present report will therefore focus on recent developments in selected areas. Thus, the present report does not aim to be comprehensive and the fact that an issue is not specifically referred to does not imply a lack of importance.

Chapter II
The challenge of protecting human rights today

3. Violations of human rights continue to dominate the international agenda. The renewal of ethnic cleansing in Europe and open civil conflicts in many countries of the world have resulted in systematic and massive human rights violations. We are increasingly confronted with the challenge of dealing effectively with private terrorism and its transnational ramifications. Faced with claims that these matters are internal affairs, the international community often appears unwilling or unable to act. Yet, in the public perception, human rights violations are a fundamental test of the effectiveness of the United Nations.

4. Over the past 12 months large-scale violations of economic, social and cultural rights have been thrust before us as never before. Poverty and exclusion are plagues affecting first of all developing countries but increasingly developed nations as well. Whole countries find themselves on the margins of world economic development, and this while the world economy as a whole and many countries individually have rapidly increased their wealth. In the long term, the phenomenon of widespread poverty is the most disturbing development of our time, for the lack of social justice, the exclusion of large groups and the division of countries into rich and extremely poor can only foster instability, internal conflict, political extremism and the terrorism of despair. Encouragingly, there is increasing recognition that effective action must be taken. It is understood that abandoning social justice to the blind forces of competition and globalization is also to abandon a fundamental responsibility of society and the State which, in turn, undermines the latter's claim to legitimacy.

5. Access to education, health care and the opportunity for dignified work is the substance of basic human rights for which the State has prime responsibility. Some States are able to manage on their own, redirecting national priorities towards health, education, and creating the conditions for employment. This often involves making hard choices, often against powerful interests. Other States, however, require international assistance and international development institutions will have to help those States alter their priorities. It is important that international financial institutions, for their part, identify and weigh heavily the human rights impacts of their advice and activities. Poverty and exclusion raise basic questions of human rights, dignity and participation which must be addressed if lasting solutions are to be found.

6. Most States understand the value of the principle of international cooperation for human rights and there is wide acceptance of human rights assistance, monitoring, and human rights field presences. These are important tools in limiting violations, improving human rights practices and creating a situation of confidence in which social rebuilding can occur. This is one of the most positive developments to have taken place in the recent past. And it is in sad contrast to the situation in those few States that refuse international cooperation in the field of human rights or withdraw their citizens from the protection of international standards and mechanisms.

7. This last year has seen the United Nations implement an important tool to help States and international agencies redirect their thinking and thus begin to impact favorably on the enjoyment of human rights. That is the rights-based approach to development. The United Nations Development Programme (UNDP) has adopted the right to development as a fundamental objective and human rights as an analytical tool in development assistance. The United Nations Children's Fund (UNICEF) has for some time used the Convention on the Rights of the Child as the basic reference point for its work. And human rights is a key criteria in the United Nations Development Assistance Framework

(UNDAF). As the Secretary-General has said, "the rights-based approach to development describes situations not simply in terms of human needs, or of development requirements, but in terms of society's obligation to respond to inalienable human rights of individuals. It empowers people to demand justice as a right, not as charity, and gives communities a sound moral basis from which to claim international assistance where needed" (A/53/1, para. 174).

8. Concretely, the rights-based approach recognizes that each child has an individual right to access to education and that every woman has the right to access to reproductive health services. This can help shift the debate over the allocation of resources and promote the direct involvement of people in their own development. The rights-based approach also gives expanded significance to the role and contribution of traditional human rights bodies and procedures. United Nations human rights treaty monitoring bodies, special rapporteurs and working groups are important sources of information, analysis and proposals which will be increasingly relevant to the development dialogue within States and between States and international agencies. The Committee on the Rights of the Child has already demonstrated its relevance in this area.

9. Human rights now plays a growing role in activities in the field of international peace and security. Most, if not all conflicts can be traced back to human rights failures, for example to recognize the legitimate diversity of a population, or in imbalances in access to power or wealth. Long-term solutions must address these causes directly. Human rights will thus be increasingly integrated into early-warning and preventive activities with closer links to the human rights bodies and organs. As we respond to crises, human rights elements will have to be included in planning from the very beginning and post-conflict peace-building should focus on constructing the national infrastructure and capacity in human rights. As peace-building phases out, the human rights component should be enabled to continue its confidence-building role. For this purpose human rights training will be provided for all participants in peacekeeping operations and we will seek to place human rights field operations on a firm financial basis.

10. The defining characteristic of the human rights programme today is outreach. That is, conducting human rights work in the places where people live. This is the focus of the human rights technical cooperation programme which provides, at the request of Governments, a wide range of assistance in strengthening national capacity and institutions. In many cases this requires the presence of human rights technical assistance staff, either locally or internationally recruited, in the country. This permits a remarkable synergy between a society and the technical assistance professionals who are working together for the advancement of human rights.

11. This year there are more human rights assistance personnel in the field than ever before. Making human rights an integral part of overall development assistance is vital. A recent example is provided by the Human Rights Assistance Framework Strategy for Africa which places human rights squarely within the overall United Nations priority of development in Africa. Assistance within the Framework has been offered to all African States, and a human rights resource person has been assigned to the southern African region to assist States, the Secretariat of the Southern African Development Community and the United Nations development agencies and programmes in the region.

12. The United Nations and the international community are confronting a growing challenge in dealing with the transnational aspects of human rights violations in the context of terrorism and drug trafficking. New information also reveals a disturbing transnational network of trafficking in women and children for purposes of sexual exploitation. This phenomenon cannot be combated on the national level alone, but requires a concerted international response. It is the modern form of the slave trade. My Office is seeking to play a catalytic role in order to bring together the ongoing activities of others and to give a higher moral profile to the fight against trafficking.

13. International human rights standards are now established and widely recognized. The World Conference on Human Rights, in the Vienna Declaration and Programme of Action, emphasized the need to preserve the high quality of those standards and cautioned against the proliferation of human rights instruments. There remain, however, some important issues not adequately accommodated by the existing framework of international law or monitoring procedures. One example is the draft declaration on the rights of indigenous people which is designed to recognize collective rights and which covers a spectrum of concerns cutting across the entire work of the United Nations. The adoption of the draft declaration will be an achievement which will benefit tens of millions of people. In the same area of concern, envisioning new ways by which civil society and non-governmental actors can make their contribution to intergovernmental decision-making will also be a significant undertaking for the United Nations in the next millennium. Hence the importance of the discussions now taking place relating to the proposed permanent forum for indigenous people within the United Nations system which will hopefully give life to the theme of the

International Decade of the World's Indigenous People (1995–2004): "Indigenous people – partnership in action".

14. Mention should also be made of the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the draft optional protocol relating to the involvement of children in armed conflicts. Also of importance is the work on a draft optional protocol to the International Covenant of Economic, Social and Cultural Rights which would provide for a complaints procedure and the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which would allow for preventive visits to places of detention.

15. A very important achievement of the last session of the Commission on Human Rights was the adoption for approval by the General Assembly of the declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. This achievement is a fitting way to mark the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights which placed the realization of the rights contained therein in the hands of "every individual and every organ of society".

Mandate/activities of the High Commissioner

16. The General Assembly in resolution 48/141 charged the High Commissioner with leadership responsibility for all United Nations human rights activities. This is a catalytic role, encouraging each relevant sector, organ and programme to make its own specific contribution to the protection and promotion of human rights. It is also a coordinating role, helping to bring together the various activities to maximize their positive impact. An important aspect is encouraging Governments to increase their cooperation with the international community to improve their human rights records. And there is also an increasingly important role in ensuring that the United Nations speaks with one voice when it comes to international human rights standards and norms. Finally, the High Commissioner must reach out to all members of civil society and encourage and welcome their efforts on behalf of human rights and seek ways for activities to be mutually reinforcing.

17. In carrying out these various responsibilities I have visited field offices and a number of countries in Africa, Asia and Europe, and I will be visiting Latin America this year. These visits have been particularly important activities during the fiftieth anniversary of the Universal Declaration in view of the need to recognize and encourage initiatives of reflection and popularization of human rights. I am also a regular participant in meetings of the four Executive Committees and the Senior Management Group and I am in frequent contact with the heads of the specialized agencies and United Nations Programmes.

18. In September I furthered our dialogue with the Government and people of China during a visit to that country. I discussed with the Chinese authorities a broad range of human rights issues, including the ratification of international human rights instruments and further cooperation with the United Nations and its various mechanisms in the field of human rights. A memorandum of intent for the development of technical cooperation activities between my Office and the Government of China was signed and I participated in a national workshop on reporting obligations under the two International Covenants on Human Rights. Meetings took place with the President, the Vice Premier and senior officials from the Ministries of Justice, Labour and Social Security at which the implementation of China's commitments under different international human rights instruments was discussed. Meetings also took place with representatives of the Supreme People's Court, representatives of non-governmental organizations, including women's groups, and representatives of academic institutions and civil society at large. In Tibet, meetings were organized with representatives of civil society as well as local government and religious authorities and groups and in Shanghai with representatives of the local government and representatives of civil society. Follow-up action pursuant to the memorandum of intent should result in working-level visits as well as in human rights projects in the next few months.

Chapter III
Fiftieth anniversary of the Universal Declaration of Human Rights

19. At its last session, the General Assembly, in its resolution 52/117, stressed that the fiftieth anniversary of the Universal Declaration of Human Rights provided an opportunity for the United Nations and its Member States to redouble their efforts to promote awareness and strengthened observance of the rights set out in the Declaration and other international instruments and declarations in the field of human rights adopted subsequently. Also at its fifty-second session, the Assembly, in resolution 52/148, called upon all States and all United Nations programmes and agencies to contribute actively to the 1998 five-year review of the implementation of the

Vienna Declaration and Programme of Action, and encouraged regional and national human rights institutions as well as non-governmental organizations to present, on that occasion, their views on the progress made.

20. This year is, indeed, a unique opportunity to refocus on human rights as "a common standard of achievement for all peoples and all nations". Three months before the end of 1998, it can already be noted that the calls of the General Assembly mentioned above have been widely observed, not only by authorities and officials but also by numerous initiatives developed at the local and grass-roots level. Even before its culmination on 10 December 1998, this landmark year has demonstrated that human rights are perceived by people worldwide as an indispensable part of their daily life and not merely a luxury accessible only to a privileged few. This popular ownership of human rights imposes a fundamental responsibility on Governments, international organizations and all those who speak on behalf of others or whose actions may affect people's lives.

21. The programme of the fiftieth anniversary of the Universal Declaration of Human Rights has been oriented towards the increased and sustained efforts of the international community to make human rights a reality worldwide; prevent human rights violations; build a global partnership for human rights; and make human rights, peace, democracy and development the guiding principles of the twenty-first century. As a result, efforts have been made to ensure that activities in 1998:

(a) Serve as an important vehicle for advancing the role of all human rights in conjunction with peace, democracy and development as the guiding principles for harmonious international relations and strong community ties within all nations in the next century;

(b) Are future- and practice-oriented;

(c) Enhance the implementation of human rights and the prevention of violations, as well as promote good practices;

(d) Focus on reaching people everywhere, in particular at the grass-roots and local levels;

(e) Enhance the human rights constituency within and outside the United Nations system by building a global partnership for human rights.

22. Information reaching my Office from all regions of the world, from Governments, international and regional organizations, non-governmental organizations and the academic community, indicates how numerous and valuable have been activities undertaken to achieve the aforementioned goals. As a result, the idea of a worldwide movement for human rights has been given an important boost. The variety of initiatives undertaken worldwide has also reinforced the fact that human rights are not the exclusive domain of any one group, organization or nation. Many Governments have contributed to the promotion and protection of human rights by undertaking special educational and promotional programmes; "human rights year" has been proclaimed in several countries and special committees have been established at the national level to coordinate human rights activities. In many cases, the United Nations system has been the catalyst for activities and a partner in projects carried out by Governments and NGOs.

23. The fiftieth anniversary of the Universal Declaration of Human Rights has provided an important opportunity for United Nations agencies and programmes to highlight their ongoing work to strengthen human rights around the world and to build on these contributions by developing new activities, reinvigorating current efforts and examining current human rights issues. In particular, agencies and programmes traditionally involved in human rights work on the ground have achieved remarkable results. The framework of this report does not allow for the presentation of the numerous initiatives which have been taken by members of the United Nations family, individually or in cooperation with partners from within and outside the United Nations system. These activities range from promotional campaigns to protective actions, from school contests to exhibitions, from adoption of basic human rights instruments to seminars. It is to be stressed that the large majority of the projects have been carried out not at headquarters, but in offices in all parts of the world, thus contributing to human rights efforts at the local and national levels.

24. One of the basic goals of the 1998 programme has been to increase the ratifications of human rights treaties. A special campaign to that end has been launched by the Secretary-General and OHCHR in cooperation with other agencies and programmes (see the report of the High Commissioner on the comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (A/53/372)).

25. The Inter-Parliamentary Union has encouraged the Parliaments of the world to contribute to the fiftieth anniversary within their areas of competence. The resolution "50th Anniversary of the Universal Declaration of Human Rights", adopted by the Union at its 161st session (Cairo, 16 September 1997) outlined future-oriented practical actions to be undertaken by Parliaments, including prompt ratification of international and regional human rights treaties and withdrawal of reservations whenever they conflict with the object and purpose of the treaty; review of

the consistency of national law with international human rights standards; cooperation with international human rights bodies; creation of national institutions for the promotion and protection of human rights; support for non-governmental organizations working for the promotion and protection of human rights; and provision of necessary budgetary resources for the promotion and protection of human rights, in particular regarding human rights education. The 100th Inter-Parliamentary Conference, held in Moscow from 7 to 12 September 1998, placed on its agenda the item "Strong action by national parliaments in the year of the 50th anniversary of the Universal Declaration of Human Rights to ensure the promotion and protection of all human rights in the 21st century". The Inter-Parliamentary Union and OHCHR have established close cooperation in this context.

26. Perhaps the most inspiring aspect of the activities related to the fiftieth anniversary can be seen in the remarkable contribution made by civil society and non-governmental organizations to the promotion and protection of all human rights. My Office has received information from individuals, groups and organizations in all parts of the world describing projects developed at the community, national and regional levels. Also of note are two large international forums convened by non-governmental organizations to mark this important year in Ottawa (25–26 June) and Geneva (28–30 August). The first was dedicated to the analysis of the implementation of the Vienna Declaration and Programme of Action and the second to the status and protection of human rights defenders. It should also be stressed that thousands of national and local initiatives have taken up human rights issues relevant to local communities. These initiatives contribute to the strengthening of a global partnership for human rights and thus serve as a lasting contribution to the commemoration of this anniversary.

27. For its part, my Office has assumed responsibility in three areas: international cooperation, inter-agency cooperation and the programme of the Office. To carry out these responsibilities, my Office has acted as catalyst of the worldwide movement for the fiftieth anniversary; facilitator of international cooperation by, *inter alia*, establishing channels of communication, promoting comparative advantages and shared expertise, offering advice and proposing concepts and ideas; organizer of inter-agency cooperation; supporter of selected initiatives, e.g. through sponsorship or patronage; and the responsible unit for some specific activities, including commemoration of the fiftieth anniversary by the United Nations organs and bodies. It is to be stressed with great appreciation that close cooperation has been offered to OHCHR by Governments, the United Nations system, international organizations and civil society. United Nations agencies and programmes have worked together closely in the framework of inter-agency consultations organized by the OHCHR in 1997 and 1998.

28. With a view to facilitating the exchange of information and thus stimulate initiatives and cooperation worldwide, OHCHR has established a fiftieth anniversary page on its website (www.unhchr.ch) which, *inter alia*, contains a continually updated list of activities being planned around the world to mark the Anniversary. The website has also served as the ideal vehicle for making the text of the Universal Declaration available to people in different languages: more than 250 language versions of the Universal Declaration will be available on 10 December 1998. This project provides an important example of growing cooperation among United Nations partners and civil society. The International Telecommunication Union, the Department of Public Information of the Secretariat and its United Nations Information Centres and Services throughout the world as well as several national and local non-governmental organizations have generously contributed to this initiative. Special fiftieth anniversary information kits have also been published periodically by OHCHR to draw attention to the various activities.

29. One of the major targets of the OHCHR programme has been to reach people in local communities. On the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, OHCHR has launched a new activity: the "ACT Project" (Assisting Communities Together). This project should encourage individuals, local groups and organizations to promote and protect human rights. Within the framework of the ACT Project, OHCHR provides small grants (up to US$ 2,000) to support initiatives which, even if small in scale, will have broad exposure and a significant impact in the local community. Supported by voluntary funds, the pilot phase of the project, which is being implemented in a group of countries in all regions, is now under way. Over 300 applications have been submitted to my Office through UNDP resident representatives and OHCHR field offices. It is hoped that the success of the pilot phase will make it possible for the ACT Project to become an ongoing link between the United Nations and local human rights efforts around the world.

Review of the implementation of the Vienna Declaration and Programme of Action

30. The five-year review of the implementation of the Vienna Declaration and Programme of Action coincides with the commemoration of the fiftieth anniversary, *both in time*

and substantive dimensions. The review should compel the international community to reaffirm its commitment to human rights through determined and concrete action aimed at the effective promotion and protection of these rights by all States, the United Nations system and other international organizations in cooperation with non-governmental organizations. In undertaking a thorough analysis of the achievements attained and the obstacles remaining in this regard, the Review should allow for the identification of measures necessary to ensure the full realization of the recommendations adopted by the World Conference on Human Rights.

31. An initial review was carried out by the Commission on Human Rights at its fifty-fourth session. The Economic and Social Council focused its coordination segment of its substantive session of 1998 on the coordinated follow-up to the Vienna Declaration and Programme of Action by the United Nations system and adopted agreed conclusions in that regard. The General Assembly at its fifty-third session will undertake the final review of the progress achieved in the implementation of the recommendations made by the World Conference on Human Rights in 1993. The final report on the follow-up to the Vienna Declaration and Programme of Action, which follows my interim report to the Commission on Human Rights (E/CN.4/1998/104 and Corr.1 and 2) and the report of the Secretary-General to the Economic and Social Council (E/1998/60 and Corr.1), has been submitted to the General Assembly at its present session. All of the aforementioned documents may be consulted for detailed information on the implementation review.

32. The fiftieth anniversary of the Universal Declaration of Human Rights and the fifth anniversary of the adoption by the World Conference on Human Rights of the Vienna Declaration and Programme of Action have been the occasion for a review of the promises and progress of the United Nations in the field of human rights. Some signal conclusions are already evident. The worldwide engagement in human rights of NGOS and grass-roots organizations has demonstrated once again how strongly the people of our planet cherish and see their deepest values in the Universal Declaration. It has shown the confidence and hope they have that the United Nations will better their lives, while at the same time, it has brought into sharp relief the terrible conditions of life of all too many of our fellow human beings. It has also reinforced the legitimacy of the United Nations to speak and act on behalf of "we the peoples". All sectors of the United Nations are now assessing how to improve the impact of their activities on the enjoyment of human rights and, taken together, these improvements will make human rights as central to the work of the United Nations as are peace and development.

Chapter IV
Human rights within the United Nations system

33. Human rights is an issue that cuts across the work of the United Nations. The Secretary-General has repeatedly stressed that the promotion of human rights must not be treated as separate from the Organization's other activities, but as a common thread running through all of them. This is reflected in the inclusion of human rights issues in the four core areas of the United Nations work: peace and security, development cooperation, international economic and social affairs and humanitarian affairs and the work of the relevant executive committees. It is a significant challenge to OHCHR to be able to respond to the requirements of these bodies.

34. Human rights are increasingly integrated in the work of the United Nations system. In addition to the four executive committees, departments and programmes of the United Nations and specialized agencies such as the Department of Political Affairs, the Department of Peacekeeping Operations, the Office for the Coordination of Humanitarian Affairs and the Executive Committee on Humanitarian Affairs, the United Nations Development Programme, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the United Nations Population Fund and the World Health Organization all include human rights in their work through regular coordination with OHCHR and through the signature of memorandums of understanding. UNDP is building its capacity to promote human rights particularly in relation to good governance and the rule of law.

35. OHCHR is a member of the Executive Committee on Peace and Security and provides information relating to specific human rights situations and its OHCHR activities in the promotion and protection of human rights. Through this committee, OHCHR is kept informed of the activities in other areas of the Secretariat. Regarding humanitarian affairs, OHCHR works very closely with the Executive Committee on Humanitarian Affairs and the Office for the Coordination of Humanitarian Affairs in relation to the interface between human rights and humanitarian affairs. The strategic framework for Afghanistan and the Democratic Republic of the Congo are two areas where close coordination has worked well. Joint statements of concern

were issued in relation to the human rights situation in the Democratic Republic of the Congo. OHCHR will participate in the consolidated appeals process for humanitarian affairs in field operations.

36. OHCHR is an active participant in the work of the United Nations Development Group one of whose priorities is the mainstreaming of human rights in the development activities and programmes of the United Nations system. This is facilitated by the establishment, within the UNDG, of an ad hoc working group on the right to development chaired by OHCHR and the active involvement of my Office in the UNDAF process. The working group was mandated to incorporate human rights language into the UNDAF provisional guidelines and to draft a training module for UNDAF staff on human rights and the right to development including their implications for development operations.

37. The memorandum of understanding signed by OHCHR with UNDP on 4 March 1998 contains very specific and comprehensive areas of close cooperation between OHCHR and UNDP at all levels of their respective activities: the right to development; international human rights treaties; mechanisms and procedures of the Commission on Human Rights; programme development, technical cooperation and advisory services; international human rights decades; country-level and country mission support; and briefings, training and other support. A joint OHCHR/UNDP task force on the implementation of this memorandum has been set up and is working on the concrete and step-by-step implementation. A project document on Human Rights Strengthening (HURIST) is currently under discussion.

38. Linkages with regional organizations and arrangements are being promoted. In June 1998 I addressed the Permanent Council of the Organization for Security and Cooperation in Europe (OSCE) and formulated specific proposals concerning cooperation between the two institutions. The Council strongly supported such cooperation. Enhanced contacts between OHCHR and the secretariat of the OSCE focus on technical cooperation, field work and human rights training. Further, an agreement on cooperation between OHCHR and the OSCE Office for Democratic Institutions and Human Rights has been signed which should contribute to more effective and efficient promotion of human rights through coordinated and joint projects.

Chapter V
Improving the human rights machinery

39. Improving the functioning of the human rights machinery has been an ongoing concern since the World Conference on Human Rights in 1993. The Commission on Human Rights at its fifty-fourth session, in addition to updating and streamlining its agenda, launched a comprehensive inter-sessional review process aimed at enhancing the effectiveness of human rights mechanisms. The Bureau of the Commission began the review process in May 1998 and invited all interested parties – Governments and non-governmental organizations – to submit their views and ideas and in response to the request over 40 written submissions were received. They were summarized in an informal working paper prepared by the Secretariat, which was distributed in the three working languages. The Bureau will make recommendations to the fifty-fifth session of the Commission in 1999.

40. The Subcommission on Prevention of Discrimination and Protection of Minorities prepared a paper which represented its common position on the issue and served as the basis for its consultation with the Bureau of the Commission. The paper was subsequently circulated as an official document of the fiftieth session of the Subcommission (E/CN.4/Sub.2/1998/38).

41. The special rapporteurs/representatives, experts and chairpersons of working groups of the Commission on Human Rights discussed these matters at their annual meeting in Geneva in May 1998. In particular they discussed ways and means to better coordinate and strengthen the work of the special procedures system with the Commission on Human Rights, the High Commissioner for Human Rights, human rights mechanisms such as treaty bodies, other parts of the Secretariat as well as other bodies of the United Nations, especially those with a field presence. Discussions took place with the Bureau of the Commission, representatives from OHCHR and the chairperson of the sixth meeting of persons chairing the human rights treaty bodies. The participants underlined the importance of preserving their independence and impartiality in the fulfilment of their mandates. The participants have specified that the procedures and mechanisms should be enabled to harmonize and rationalize through better servicing by and cooperation from the OHCHR secretariat. The meeting made a number of recommendations. A report of the meeting will be submitted to the next session of the Commission on Human Rights (E/CN.4/1998/3, annex).

42. This process remains in close connection with the analysis of the human rights machinery which is carried out by the High Commissioner for Human Rights as follow-up to the Secretary-General's programme for reform.

Chapter VI
Specific human rights issues

A. The right to development

43. The right to development is discussed in detail in the other reports before the General Assembly mentioned above. In recent years the right to development has become one of the priorities in the work, programmes and activities of my Office, as well as of nearly all funds, programmes and agencies of the United Nations involved in development activities. As stated above, the signature of memorandums of understanding with other entities of the United Nations system, and in particular with UNDP, already has had and will have a very significant impact on the right to development in other activities and programmes of the system, especially at the country level. The decision of the Commission on Human Rights during its last session to appoint an independent expert on the right to development and to establish an open-ended working group on the right to development (resolution 1998/72) are important in this regard.

44. A number of activities are planned in relation to the right to development. A Symposium on Human Rights and Human Development (Oslo, 2–3 October 1998), was organized jointly by the Government of Norway, UNDP and OHCHR in order to contribute to the ongoing dialogue on the operational implications of mainstreaming human rights into the work of the United Nations system and to identify practical steps for policy implementation. In addition, OHCHR will host the twenty-sixth session of the Subcommittee on Nutrition of the Administrative Committee on Coordination in April 1999, and will organize a symposium before the session on "Substance and politics of a human rights approach to food and nutrition policies and programming". The objective is to initiate the mainstreaming of a human rights-based approach within ACC/SCN members' activities related to adequate food and nutrition.

B. Combating trafficking in women and children

45. Trafficking in women and children for purposes of sexual exploitation is a contemporary form of slavery and has been of growing international concern for some time. The extent of the phenomenon will only be increased by the economic hardships faced by a growing number of people. It is crucial that international awareness of this issue be enhanced. The areas particularly affected by trafficking in women and children are Central and Eastern Europe and South-East Asia.

46. I have identified trafficking in women and children for purposes of sexual exploitation as a priority issue. As a preliminary step, OHCHR has established an in-house working group on trafficking to examine the issue in order to identify the most effective role which OHCHR could take towards eradicating the practice. A brainstorming meeting took place in August 1998 with representatives from the International Labour Organization and the International Organization for Migration, who gave their perspectives on the issue. Definitions of trafficking were reviewed, as were the human rights mechanisms dealing with it and the potential role of OHCHR in preventing, combating and eradicating trafficking.

47. The Subcommission's Working Group on Contemporary Forms of Slavery is an important instrument in dealing with trafficking. Its mandate includes reviewing developments in the field of, *inter alia*, the traffic in persons and the exploitation of the prostitution of others as defined in the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949. Since its establishment, the Working Group has devoted particular attention to the issue of trafficking in persons. It drafted a Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others which was approved by the Commission on Human Rights in 1996 but which still needs to be implemented.

48. I informed the Working Group at its last session of my decision to make the question of trafficking in women and children a priority of my Office. The Working Group decided to devote its next session to the question of trafficking in persons, to be preceded by an NGO seminar on traffic in persons and the exploitation of the prostitution of others for the purpose of discussing ways and means to reinforce human rights mechanisms dealing with the question. Similarly, the Special Rapporteur on the sale of children, child prostitution and child pornography focused her mandate in 1998 on the trafficking of children, and in

1999, the Special Rapporteur on violence against women will do likewise. The Board of Trustees of the Voluntary Trust Fund on Contemporary Forms of Slavery provided financial assistance to representatives of NGOs combating trans-border trafficking in women and children for purposes of prostitution to enable them to participate in the deliberation of the Working Group.

49. The Committee on the Rights of the Child has systematically and closely monitored articles 34 and 35 of the Convention on the Rights of the Child dealing with sexual exploitation of children as well as abduction, sale and trafficking in boys and girls under 18 years old for any purpose or in any form. The Committee plans to adopt a general comment on those two articles. In preparing background papers to support the work of Committee members, OHCHR has undertaken research on the occurrence of trafficking in children in States that have reported to the Committee. OHCHR has cooperated with and received information from concerned organizations such as local, national and international NGOs, UNHCR, ILO, UNICEF, The Hague Conference on Private International Law as well as the International Criminal Police Organization. This research work has been enhanced since the launching in 1997 of the Plan of Action of the High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child which has generated more consolidated and comprehensive country analysis.

Gender and the human rights of women

50. My reports to the Commission on Human Rights and to the Economic and Social Council contain detailed information on the various aspects of gender and the human rights of women. The important challenge today is for the international human rights system to take gender fully into account in the development and application of norms and procedures so that violations against women and girl children are clearly identified and the protections offered under the law is adequate and equitable. OHCHR is finalizing a mission statement on gender and the human rights of women which will identify action to be taken at three levels: (a) the integration of a gender perspective into all aspects of OHCHR with particular attention being paid to policy development, strategic planning and the setting of priorities and objectives; (b) the active and broad participation of women in all fields of United Nations human rights activity; and (c) the initiation of specific programmes, special projects and activities aimed at improving the enjoyment by women and girl children of their fundamental human rights.

C. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

51. The General Assembly, in its resolution 52/111, decided to convene, not later than 2001, a World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The Assembly decided that the agenda of the Conference should take into consideration, *inter alia*, the need to address in a comprehensive manner all forms of racism, racial discrimination, xenophobia and related contemporary forms of intolerance. It also decided that the Conference should be action-oriented and focus on practical measures to eradicate racism, including measures of prevention, education and protection and the provision of effective remedies, taking into full consideration the existing human rights instruments. Also, the Assembly decided that the Conference should take systematically into account a gender perspective throughout the preparations for and the outcome of the Conference.

52. The Commission on Human Rights, in its resolution 1998/26, invited, among others, the Committee on the Elimination of Racial Discrimination, the Subcommission on Prevention of Discrimination and Protection of Minorities, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the specialized agencies, and intergovernmental and non-governmental organizations to participate fully in the preparatory process and, in accordance with the objectives of the Conference, to make proposals regarding actions to be undertaken within the framework of the Conference. The Commission also recommended that the World Conference adopt a declaration and a programme of action to combat racism, racial discrimination, xenophobia and related intolerance and that the Secretary-General designate the High Commissioner for Human Rights as Secretary-General of the Conference with main responsibility for the preparations for the Conference.

53. My Office intends to play a catalytic role in bringing together ongoing activities of the United Nations, and its specialized agencies, in preparing for the World Conference. It further intends to closely follow and coordinate with the organizers of meetings and other activities in preparation for the World Conference at the national, regional and international levels, so that the work and ideas resulting from these processes can be submitted to the preparatory committee for the World Conference. In this connection, and as a preliminary step, my Office will, with the Department of Public Information, devise and implement a world information campaign aimed at sensitizing world public

opinion on the importance and the objectives of the Conference. It will also act as a facilitator and an organizer of inter-agency cooperation as well as a supporter of initiatives of intergovernmental and non-governmental organizations with a view to promoting preparations for the Conference. My Office is preparing a preliminary analytic study on the objectives of the World Conference for submission to the fifty-fifth session of the Commission on Human Rights.

D. Technical cooperation, national institutions and education

Technical cooperation

54. Strengthening the advisory services and technical cooperation programme is a priority. Technical cooperation gives priority to reinforcing national human rights capacities and national human rights institutions and infrastructures. This includes the promotion of democratic institutions, development and human rights, human rights support to parliaments, constitutional assistance, human rights training, legislative reform assistance, the administration of justice, establishing or strengthening national human rights institutions, and the training of police and prison officials. Assistance is also provided on specific human rights issues, such as the preparation and implementation of comprehensive national plans of action for the promotion and protection of human rights, popular participation in decision-making and implementation of projects related to economic, social and cultural rights, including the right to development. The requests received by OHCHR for technical assistance strain the capacity of the Office to deliver effectively. In a period of some ten years the programme has grown from only a few seminars and fellowships per year to some 200 main activities in some 40 countries.

National institutions

55. Effective implementation of human rights is, of course, ultimately a national issue and a national responsibility. OHCHR operates a number of different programmes and subprogrammes aimed at enhancing national capacities to protect and promote human rights. One area of work which has witnessed considerable growth over the past several years is that of "national human rights institutions". This term is now commonly used to refer to an independent body established by Government, under the Constitution or by legislation, for the specific purpose of promoting and protecting human rights. OHCHR is currently providing advice and assistance to more than 20 Governments which are in the process of establishing independent national institutions and it is also actively supporting and working with an equal number of national institutions – most of which have been established only in the past five years. Much of this work is being undertaken jointly or in close collaboration with UNDP.

Education

56. The importance of human rights education was underlined in the Vienna Declaration and in the General Assembly's decision to proclaim the United Nations Decade for Human Rights Education. I am encouraging Governments to establish and implement comprehensive, effective and sustainable national plans of action for human rights education. Those plans should constitute – when applicable – an integral part of the national development plan and should be complementary to other relevant national plans of action already defined (general human rights plans of action or those relating to women, children, minorities, indigenous people, etc.). For this purpose myself and the Director-General of the United Nations Educational, Scientific and Cultural Organization sent a joint letter in September 1998 to all heads of Governments. The letter contained the Guidelines for national plans of action for human rights education (A/52/469/Add.1 and Add.1/Corr.1), developed by my Office in close cooperation with relevant governmental and non-governmental experts to assist Member States in this undertaking.

Chapter VII
Conclusions

57. This past year has shown that the United Nations is taking up the human rights challenge with increasing commitment. Deeply troubling situations continue and we will certainly have to face new situations of violations in the coming months. In the human rights area, the United Nations is clarifying its procedures, progressively sharpening and implementing its preventive tools and responding to ongoing and new challenges.

58. One of the clear lessons of the five-year review of the implementation of the Vienna Declaration and Programme of Action is that the United Nations must make further efforts to improve its contribution to the protection of human rights on all levels, first by providing leadership on a worldwide level for human dignity; the United Nations must develop its role as the "voice of the voiceless". Human rights must be strengthened within the Organization, with our

international partners, especially Member States, with NGOs and grass-roots organizations and individuals. Our treaties and extraconventional mechanisms must be responsive and effective and we must mobilize all the Organization's resources to help build national human rights capacity.

59. However, 50 years after the adoption of the Universal Declaration of Human Rights and five years after the adoption of the Vienna Declaration and Programme of Action, the United Nations and its Member States face a time of decision in human rights. We have measured this year the significant increase in world expectations for the real protection and promotion of human rights, in particular economic, social and cultural rights. Those expectations are directly aimed at the United Nations and go to the heart of our Organization's legitimacy in the eyes of the people of the world. We have also measured the immense burden of work that responding to those legitimate demands will require. And finally, we have measured the growing gap between the needs of the human rights programme and the resources provided in the United Nations budget by Member States.

60. The establishment of the post of High Commissioner in itself has measurably increased the workload of the human rights secretariat. The Secretary-General's reform of the United Nations Secretariat and the cross-sectoralization of human rights has meant a significant increase in demands on OHCHR for accurate and well-considered information and guidance to a growing number of United Nations activities.

61. Existing forms of action have also been expanded. Economic and Social Council mandates have increased in excess of 35 per cent over five years; there has been a 30 per cent increase in ratifications of treaties and a most welcome new emphasis on economic, social and cultural rights, poverty elimination, debt and other issues touching directly upon how people live. This will require the expansion of the substantive capacity of OHCHR into new areas of expertise. Further, human rights treaty bodies are requiring growing analytical assistance and they are increasing their meeting time to cope with the number of States parties and the complexity of the issues addressed in their reports. The General Assembly, for its part, has decided to convene a major international conference to deal with the crucial issues of racism, racial discrimination, xenophobia and related intolerance and has mandated work throughout the human rights system in support of the Conference.

62. All this will require enhanced resources. *First to catch up.* From 1995 to 1998 there has been no significant growth in the regular budget resources in dollar terms. In terms of staff, the OHCHR staffing table regressed by 18 regular posts between the 1996–1997 and 1998–1999 bienniums. *Then to go ahead.* The reasonable demands on our programme will require a significant new effort from the United Nations regular budget. It is no longer acceptable for Member States to tell the people of the world that their human rights are worth less than 2 per cent of United Nations resources.

63. Both the Commission on Human Rights and the Economic and Social Council have recognized this essential fact. This is most welcome, especially at a time when throughout the human rights system significant progress has been made, and continues to be made, in the efficient and effective use of resources. The new structure of OHCHR is now fully operational, while the Commission on Human Rights has taken steps to make its own work more efficient and to consider improving its mechanisms. The treaty bodies system is also reviewing its functioning. This progress must not be stifled by the lack of resources.

64. I would thus join with the Commission on Human Rights and the Economic and Social Council and call upon Member States to take those steps necessary to put the core activities of the human rights programme on a sound and predictable financial basis through our Organization's regular budget.